

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SOUTHWEST AIRLINES CO.,

Plaintiff,

v.

THE CITY OF SAN ANTONIO, TEXAS and
JESUS SAENZ, in his official capacity as
Director of Airports for the City of San
Antonio, Texas,

Defendants.

Civil Action No. 5:24-cv-01085-XR

**PLAINTIFF'S UNOPPOSED MOTION TO PARTIALLY MODIFY FIRST AMENDED
PRELIMINARY INJUNCTION SCHEDULING ORDER AND DISCOVERY PLAN**

Plaintiff Southwest Airlines Co. files this Unopposed Motion to Partially Modify the First Amended Preliminary Injunction Scheduling Order and Discovery Plan, and in support thereof, states:

1. On January 15, 2025, the Court entered a First Amended Preliminary Injunction Scheduling Order and Discovery Plan (DKT. NO. 53). Among other deadlines, the First Amended Scheduling Order required Defendants to complete their document production by February 3, 2025.

2. On February 12, 2025, nine days after the Court's deadline for Defendants to complete their document production, Defendants produced approximately 27,000 pages of discovery. Because this production falls nine days after Defendants' deadline to complete their production, the Parties have conferred and the City does not oppose extending the following deadlines by an equivalent time period:

- a. Plaintiff's deadline to file First Amended Complaint; and
- b. The Parties' deadline to complete fact witness depositions.

3. The Parties do not seek to extend the remaining filing deadlines, all of which are due depending on the filing date of the First Amended Complaint. The Parties also do not seek to delay the Preliminary Injunction Hearing/MTD Hearing currently set for April 23, 24, and 30, 2025.

4. This Motion is governed by Rule 16(b)(4), which provides that "a schedule may be modified only for good cause and with the judge's consent." FED. R. CIV. P. 16(b)(4).

5. "To show good cause, the party seeking to modify the scheduling order has the burden of showing that the deadlines cannot reasonably be met despite the diligence of the party needing the extension." *Squyres v. Heico Cos., L.L.C.*, 782 F.3d 224, 237 (5th Cir. 2015) (internal quotation marks omitted); *accord Fahim v. Marriott Hotel Servs., Inc.*, 551 F.3d 344, 348 (5th Cir. 2008).

6. Southwest has timely complied with all discovery obligations and has been proactive in attempting to resolve differences with Defendants. However, due to Defendants' failure to meet the Court's deadline to complete its document production, Southwest seeks a minor and equivalent extension to allow its rights under the Amended Scheduling Order to be preserved. This request is not for delay but solely so that justice may be done.

PRAYER

For the reasons described herein, Southwest respectfully requests that the Court grant this Motion and enter a partially modified scheduling order. Further, Southwest respectfully requests all additional relief to which it may be justly entitled.

Respectfully Submitted,

THE MORALES FIRM, P.C.

6243 W. Interstate 10, Suite 132
San Antonio, Texas 78201
Telephone No. (210) 225-0811
Facsimile No. (210) 225-0821

By: /s/ Lawrence Morales II
Lawrence Morales II
State Bar No. 24051077
lawrence@themoralesfirm.com
Allison S. Hartry
State Bar No. 24083149
ahartry@themoralesfirm.com

CLARK HILL PLC

Mark Sessions
Texas Bar No.18039500
Forest M. “Teo” Seger III
Texas Bar No.24070587
Charles Hayes
Texas Bar No. 24116496
2301 Broadway Street
San Antonio, TX 78215
Tel. (210) 250-6162
Email: msessions@clarkhill.com
tseger@clarkhill.com
chayes@clarkhill.com

M. Roy Goldberg
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, D.C. 20004
Tel. (202) 552-2388
Email: rgoldberg@clarkhill.com
(Admitted *Pro Hac Vice*)

Counsel for Plaintiff Southwest Airlines Co.

CERTIFICATE OF CONFERENCE

I do hereby certify that on February 12, 2025, I conferred with Defendants' counsel concerning the requested relief herein. Defendants are not opposed to the relief requested and I am marking this Motion as Unopposed.

/s/ Lawrence Morales II
Lawrence Morales II

CERTIFICATE OF SERVICE

I do hereby certify that on February 12, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM-ECF system, which will send notification of such filing to the all counsel of record.

/s/ Lawrence Morales II
Lawrence Morales II